
ENGROSSED SUBSTITUTE SENATE BILL 5055

State of Washington 52nd Legislature 1991 Regular Session

By Senate Committee on Environment & Natural Resources (originally sponsored by Senators Rasmussen and Amondson).

Read first time February 8, 1991.

1 AN ACT Relating to hazardous waste recordings; adding a new section
2 to chapter 70.105D RCW; and adding a new section to chapter 90.76 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.105D
5 RCW to read as follows:

6 (1) The owner of public or private nonresidential real property
7 upon which a release of a significant quantity of a hazardous substance
8 has been found by the department to have occurred shall place a notice
9 in the records of real property kept by the auditor of the county in
10 which the property is located and shall send the notice to the
11 department. The notice shall: (a) Identify the property; (b) identify
12 the owner of the property and the person causing the notice to appear;
13 (c) state that a release of a hazardous substance occurred on the
14 property; (d) state the date the release occurred; and (e) direct
15 further inquiries to the department. The department shall maintain

1 records that identify the remedial action taken and the hazardous
2 substance or substances addressed by each remedial action that has been
3 conducted or approved by the department. Any person with an interest
4 in the property, injured by the failure of a property owner to comply
5 with this section, may recover damages for that injury by filing an
6 action in superior court for the county in which the release occurred.

7 (2) A notice of remedial action taken shall be issued to the
8 property owner promptly upon receipt by the department of a final
9 cleanup report. The notice shall identify the property, the owner of
10 the property, the date of issuance of the notice, and the type of
11 action taken. The notice shall include a description of any remedial
12 actions completed in accordance with the department's approval. The
13 notice shall be filed promptly by the department in the real property
14 records kept by the auditor of the county in which the real property is
15 located.

16 (3) Before selling any right, title, or interest in real property,
17 whether public or private, the seller of the property shall provide a
18 written statement to the purchaser describing any release of a
19 significant quantity of a hazardous substance that the seller knows to
20 have occurred during the prior twenty years on the property to be sold.
21 Unless otherwise expressly agreed by seller and purchaser, a purchaser
22 injured by failure of a seller of real property to provide the
23 statement as required in this subsection may recover damages for that
24 injury by filing an action in superior court for the county in which
25 the property is located.

26 (4) The department shall determine by rule, consistent with the
27 purposes of this chapter, which releases are subject to the reporting
28 and notification requirements under subsections (1) and (3) of this
29 section. This rule shall limit required reporting under this section

1 to those releases that would cause a significant adverse impact to
2 human health or the environment.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.76 RCW
4 to read as follows:

5 Whenever an owner of an underground storage tank reports to the
6 department that it has removed or closed the tank, the department shall
7 issue a statement that the action, based solely on the report of the
8 owner, conforms with applicable department rules.